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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/189,365	11/09/98	GEBAUER	N 33012/253/10
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EXAMINER

ROBINSON, G

ART UNIT

PAPER NUMBER

2177

3

DATE MAILED:

10/24/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

See Attached Acknowledgment.

Office Action Summary

Application No.
09/189,365

Applicant(s)

Gebauer et al.

Examiner

Greta Robinson

Group Art Unit

2177



☒ Responsive to communication(s) filed on Nov 9, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-20 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-20 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

1. Claims 1-20 are pending in the present application.

Drawings

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Note form PTO 948 for Draftsperson's Review.

Claim Rejections - 35 USC § 112

3. Claims 7-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to **claim 7**, the following phrase is vague and unclear: "*said user terminal accesses said data base data base by transferring a service request to said data base management system*" [see claim 7 lines 1-2]. It is not clear how a "user terminal" accesses a data base. Also there appears to be a typographical error duplicating the word "data base".

With respect to **claim 8**, the following phrase is vague and unclear: "*wherein said data base management system accesses said data base using a command language script*" [claim 8 lines 1-2]. The examiner suggests using the term "communicates with" instead of the word "accesses" in the sentence for clarity.

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With respect to **claim 9**, the following phrase is vague: "*wherein said service request corresponds to said command language script*" [claim 9 lines 1-2].

With respect to **claim 10**, the following phrase is vague: "*wherein said security profile corresponds to said command language script*" [claim 10 lines 1-2].

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1, 6-11 and 13-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 6-11 and 13-20 of copending Application No. 09/189,160. Although the conflicting claims are not identical, they are not patentably distinct from each other because it is well settled that omission of elements and their functioning is obvious expedient if the remaining elements perform the same function as before. See *In re Karlson* 136 USPQ 184 (CCPA 1963).

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This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

With respect to claim 1, a data processing environment having a user terminal with a user-id for generating a service request responsively coupled to a data base management system having command language script corresponding to said service request, the improvement comprising:

a security profile corresponding to said command language script whereby said data base management system executes said command language script and returns a corresponding response to said user terminal if and only if said user-id corresponds to said security profile [see: **claim 1** of copending application no. 09/189,160]. It would have been obvious to one of ordinary skill to substitute the limitation of a *command language script* in case 09/189,160 claim 1 line 4 for the *user-id* of the present invention because the security profile provides access, identifies and encrypts the user-id through use of a command language script.

6. With respect to claim 6:

- a. a user terminal having a user-id;
- b. a database management system having access to a data base responsively coupled to said user terminal; and
- c. A security profile located within said data base management system wherein said data base management system provides access to said data base by said user terminal if and only if said user-id corresponds to said security profile [see claim 6, application no. 09/189,160]. It would

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have been obvious to substitute the data base management system of app. 09/189,160 for the plurality of data tables since both are essentially the same.

7. (Claim 7) wherein said user terminal accesses said data base by transferring a service request to said data base management system ... [see claim 7, 09/189,160].

(Claim 8) wherein said data base management system accesses said data base using a command language script ... [see claim 8, 09/189,160].

(claim 9) wherein said service request corresponds to said command language script ...[see claim 9, 09/189,160].

(claim 10) said security profile corresponds to said command language script [see claim 10, 09/189,160].

8. With respect to claim 11, transmitting a service request ... receiving said service request ... determining a security profile corresponding to said service request; comparing said security profile with said user-id; and responding to said service request if and only if said user-id corresponds to said security profile [see claim 11, 09/189,160].

9. The limitations of claims 13-20 of the present invention correspond directly with the limitations of claims 13-20 of application no. 09/189,160.

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Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by *Cool Ice User's Guide Release 1.0*.

With respect to claim 1, *Cool Ice User's Guide* teaches in a data processing environment having a user terminal with a user-id for generating a service request responsively coupled to a data base management system having command language script corresponding to said service request, the improvement comprising:

a security profile corresponding to said command language script whereby said data base management system executes said command language script and returns a corresponding response to said user terminal if and only if said user-id corresponds to said security profile [see: section on *Security Profiles* page 2-17 through 2-19; *Cool Ice Scripting* page 1-9; *access log* page 2-14 through 2-16; note *Cool Ice Gateway* step (3) figure 1-4; also see figures 1-1 and 1-2].

Cool Ice User's Guide teaches the invention substantially as cited above, they teach a data processing environment in which different levels of security may be programmed into the system for access.

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12. With respect to claims 2-5:

(Claim 2) wherein said command language script is stored within said data base management system [page 1-9].

(Claim 3) wherein said security profile is stored within said data management system [page 2-17 through 2-19; and page 1-8 through 1-9; also note figure 1-2].

(Claim 4) further comprising a repository for storing said command language script and said security profile [note *Cool Ice Service Repository* page 1-9].

(Claim 5) wherein said data base management system is Classic MAPPER [note MAPPER page 1-5].

13. With respect to claim 6:

a. a user terminal having a user-id;

b. a database management system having access to a data base responsively coupled to said user terminal; and

c. A security profile located within said data base management system wherein said data base management system provides access to said data base by said user terminal if and only if said user-id corresponds to said security profile [page 2-17 through 2-19; page 1-9 and page 2-14 through 2-16; figures 1-1, 1-2, and 1-4].

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14. With respect to claims 7-10:

(Claim 7) wherein said user terminal accesses said data base by transferring a service request to said data base management system ... (Claim 8) wherein said data base management system accesses said data base using a command language script ... (claim 9) wherein said service request corresponds to said command language script ... (claim 10) said security profile corresponds to said command language script [page 1-9, pages 1-11 through 1-16, and page 2-18].

15. With respect to claim 11:

transmitting a service request ... receiving said service request ... determining a security profile corresponding to said service request; comparing said security profile with said user-id; and responding to said service request if and only if said user-id corresponds to said security profile [page 1-11 through 1-16; page 2-18].

16. With respect to claim 16:

means having a user-id for permitting a user to interact with a digital data base using a service request [page 1-11 through 1-16; also note citations above].

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17. The limitations of claims 12-15 and 17-20 have been addressed above except for the following limitation: "said permitting means further comprises an industry standard personal computer" [see page 1-5; and figures 1-1, 1-2 and 1-16].

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Regnier et al. US Patent 6,134,549

Scanian US Patent 6,029,245

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta Robinson whose telephone number is (703)308-7565. The examiner can normally be reached Monday through Friday from 7:30 AM to 4:00 PM.

If any attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached at (703)305-9790.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703)308-9051, (for formal communications)


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Or:


(703)308-6606, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)305-9600.

Greta Robinson 

October 20, 2000



JOHN BREENE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700